



March 25, 2005

ENGROSSED SENATE BILL No. 472

DIGEST OF SB 472 (Updated March 23, 2005 3:54 pm - DI 69)

Citations Affected: IC 16-18; IC 16-21.

Synopsis: Services to sex crime victims. Increases from 48 to 96 hours the time a victim of a sex crime who is at least 18 years of age has to report the crime to qualify for reimbursement for emergency medical services. Provides that a victim less than 18 years of age must report a sex crime to child protective services or a law enforcement officer to qualify for reimbursement, but the action is not subject to any time requirements in doing so. Requires the victim services division of the criminal justice institute to make prompt decisions on applications for reimbursement for emergency services provided to victims of sex crimes.

Effective: Upon passage; July 1, 2005.

**Lanane, Long, Howard, Zakas,
Drozda, Antich-Carr**

(HOUSE SPONSORS — WELCH, BUDAK, AUSTIN)

January 18, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

February 17, 2005, amended, reported favorably — Do Pass.

February 21, 2005, read second time, ordered engrossed.

February 22, 2005, engrossed.

February 28, 2005, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 14, 2005, read first time and referred to Committee on Courts and Criminal Code.

March 24, 2005, amended, reported — Do Pass.

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ES 472—LS 7350/DI 14+



March 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 472

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-97 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 97. "Division"
3 means the following:

4 **(1) For purposes of IC 16-21-8, the meaning set forth in**
5 **IC 16-21-8-0.5.**

6 ~~(1)~~ **(2)** For purposes of IC 16-22-8, the meaning set forth in
7 IC 16-22-8-3.

8 ~~(2)~~ **(3)** For purposes of IC 16-27, a group of individuals under the
9 supervision of the director within the state department assigned
10 the responsibility of implementing IC 16-27.

11 ~~(3)~~ **(4)** For purposes of IC 16-28, a group of individuals under the
12 supervision of the director within the state department assigned
13 the responsibility of implementing IC 16-28.

14 ~~(4)~~ **(5)** For purposes of IC 16-41-40, the meaning set forth in
15 IC 16-41-40-1.

16 SECTION 2. IC 16-18-2-295 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 295. **(a)**

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1 **"Provider", for purposes of IC 16-21-8, has the meaning set forth**
 2 **in IC 16-21-8-0.6.**

3 ~~(a)~~ **(b)** "Provider", for purposes of IC 16-38-5, IC 16-39 (except for
 4 IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37,
 5 means any of the following:

6 (1) An individual (other than an individual who is an employee or
 7 a contractor of a hospital, a facility, or an agency described in
 8 subdivision (2) or (3)) who is licensed, registered, or certified as
 9 a health care professional, including the following:

10 (A) A physician.

11 (B) A psychotherapist.

12 (C) A dentist.

13 (D) A registered nurse.

14 (E) A licensed practical nurse.

15 (F) An optometrist.

16 (G) A podiatrist.

17 (H) A chiropractor.

18 (I) A physical therapist.

19 (J) A psychologist.

20 (K) An audiologist.

21 (L) A speech-language pathologist.

22 (M) A dietitian.

23 (N) An occupational therapist.

24 (O) A respiratory therapist.

25 (P) A pharmacist.

26 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or
 27 described in IC 12-24-1 or IC 12-29.

28 (3) A health facility licensed under IC 16-28-2.

29 (4) A home health agency licensed under IC 16-27-1.

30 (5) An employer of a certified emergency medical technician, a
 31 certified emergency medical technician-basic advanced, a
 32 certified emergency medical technician-intermediate, or a
 33 certified paramedic.

34 (6) The state department or a local health department or an
 35 employee, agent, designee, or contractor of the state department
 36 or local health department.

37 ~~(b)~~ **(c)** "Provider", for purposes of IC 16-39-7-1, has the meaning set
 38 forth in IC 16-39-7-1(a).

39 SECTION 3. IC 16-18-2-365.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 365.5. "Victim", for purposes**
 42 **of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.7.**

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SECTION 4. IC 16-21-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a).**

SECTION 5. IC 16-21-8-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.6. As used in this chapter, "provider" means a hospital or licensed medical services provider that provides emergency services to a victim.**

SECTION 6. IC 16-21-8-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.7. As used in this chapter, "victim" means an alleged sex crime victim.**

SECTION 7. IC 16-21-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The ~~victim services division of the Indiana criminal justice institute~~ may not award compensation or reimbursement under this chapter unless the following conditions are met:

(1) If the victim is at least eighteen (18) years of age:

~~(1) (A)~~ **(A)** the sex crime ~~was~~ **must be** reported to a law enforcement officer within ~~forty-eight (48)~~ **ninety-six (96)** hours after the crime's occurrence; **and**

~~(2) (B)~~ **(B)** the victim ~~or claimant has cooperated fully~~ **must cooperate to the fullest extent possible** with law enforcement personnel to solve the crime.

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.

(b) If the ~~victim services division of the Indiana criminal justice institute~~ finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the ~~victim services division of the Indiana criminal justice institute~~ may suspend the requirements of this section.

(c) A claim filed for services provided at a time before the provision of the emergency services for which an application for reimbursement is filed is not covered under this chapter.

SECTION 8. IC 16-21-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) When a ~~hospital~~

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1 ~~or licensed medical service~~ provider provides emergency services
 2 under this chapter to ~~an alleged sex crime~~ a victim, the ~~hospital or~~
 3 ~~medical service~~ provider shall furnish the services without charge.

4 (b) The ~~victim services division of the Indiana criminal justice~~
 5 ~~institute~~ shall reimburse a ~~hospital or licensed medical service~~ provider
 6 for the ~~hospital's or medical service provider's costs in providing the~~
 7 ~~services~~ **cost for providing services** and shall adopt rules and
 8 procedures to provide for reimbursement.

9 (c) The application for reimbursement must be filed not more than
 10 one hundred eighty (180) days after the date the service was provided.

11 (d) **The division shall approve an application for reimbursement**
 12 **filed under subsection (b) not more than one hundred twenty (120)**
 13 **days after receipt of the application for reimbursement.**

14 ~~(c) (e)~~ **(e)** A ~~hospital~~ **provider** may not charge the victim for services
 15 required under this chapter despite delays in reimbursement from the
 16 ~~victim services division of the Indiana criminal justice institute.~~

17 **SECTION 9. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 472, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 472 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Madam President: I move that Senators Howard and Zakas be added as coauthors of Senate Bill 472.

LANANE

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 472.

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SENATE MOTION

Madam President: I move that Senator Long be added as second author and Senator Antich-Carr be added as coauthor of Senate Bill 472.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 472, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 7 with "[EFFECTIVE UPON PASSAGE]".

Page 4, after line 16, begin a new paragraph and insert:

"SECTION 9. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 472 as printed February 18, 2005.)

ULMER, Chair

Committee Vote: yeas 10, nays 0.

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